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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,463	08/31/2001	Mark Moir	BAI525505/01772	1277

24118 7590 10/06/2005  
HEAD, JOHNSON & KACHIGIAN  
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TULSA, OK 74119

EXAMINER
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USTARIS, JOSEPH G

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/943,463

Applicant(s)

MOIR, MARK

Examiner

Joseph G. Ustaris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/9/2002</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) was submitted on 09 July 2002. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Objections***

2. Claim 11 is objected to because of the following informalities: Claim 11 recites "electronic program guide may be are selected" on page 6. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al. (US005822123A).

Regarding claim 1, Davis et al. (Davis) discloses a television system (See Fig. 1) that has a "display screen" (See Fig. 1, TV 27; column 10 line 51 – column 11 line 16) and a "broadcast data receiver for receiving and processing digital data to provide audio, video and/or auxiliary data", which is used to generate an electronic program

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guide (EPG) (See Figs. 1 and 18-20; column 9 lines 8-20 and column 10 line 30 – column 11 line 38). The EPG provides “channel and/or television program listings/schedules and/or information for display on the display screen” (See Figs. 18-20). The system further has a “remote control means for controlling one or more functions thereof” (See Fig. 4), where the remote control can be used to select “one or more channels and/or programs which are displayed in the EPG” (See column 11 line 66 – column 13 line 16). Furthermore, selected “channels/programs from the EPG” can be “assigned to one or more predefined control buttons on the remote control, thereafter allowing access to the one or more channels/programs by user selection of the appropriate pre-defined control button” (See Figs. 4 and 8; column 12 line 49 – column 13 line 16, column 27 line 17 – column 29 line 21).

Regarding claim 2, the “channels/programs” relate to “pre-determined criteria” that was downloaded along with the schedule information (See column 22 line 59 – column 23 line 9 and column 28 lines 46-56).

Regarding claim 3, the “programs and/or channels are assigned to at least one of the four colored buttons on the remote control” (See Fig. 4, buttons 48A, 48B, 48C, and 49; column 13 lines 4-16, column 28 line 57 – column 29 line 21, and column 31 lines 37-51), where inherently the Sports button is a different color than the other three favorite channel buttons in order to distinguish the buttons from each other.

Regarding claim 4, the user uses the screen of Fig. 8 to “assign channels/programs to one or more pre-defined control buttons”.

Regarding claim 5, the "broadcaster or manufacturer" provides a remote control with a Sports button where channels/programs relating to sports are assigned to that button (See Fig. 4, 49; column 31 lines 37-51).

Regarding claim 6, the "channels/program" have "pre-determined criteria of one or more subject matter categories" (e.g. movies, new, and sports) (See Fig. 8; column 28 lines 46-56).

Regarding claim 7, the "pre-determined criteria includes one or more user-selected favorite channels" (See Fig. 8). The user has selected the movies category to be included in the favorites list, inherently the PPV channel 3 and Showtime channel 5 would meet the "pre-determined criteria" of movies and are also "user-selected favorite channels".

Regarding claim 9, the user can assign "two or more channels and/or programs to a control button relating to pre-determined criteria" (See Fig. 8). Furthermore, when the user is using the viewers preference list, the system will only tune to those channels on the list and only display schedule information for those channels within the EPG, where the user can "scroll through the one or more channels/programs assigned to that button using scroll and/or directional buttons on the remote" within the EPG (See Fig. 4; column 28 line 57 – column 29 line 21).

Regarding claim 10, Davis discloses a broadcast data receiver (See Fig. 1) that has "a means for receiving and processing digital data to provide audio, video and/or auxiliary data", which is used to generate an electronic program guide (EPG) (See Figs. 1 and 18-20; column 9 lines 8-20 and column 10 line 30 – column 11 line 38). The EPG

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provides "channel and/or television program listings/schedules and/or information for display on the display screen" (See Figs. 1, 18-20), where the display screen can be either connected to or forming an integral part of the broadcast data receiver (See Fig. 1; column 8 line 66 – column 9 line 20). The system further has a "remote control means for controlling one or more functions of the broadcast data receiver" (See Fig. 4), where the remote control can be used to select "one or more channels and/or programs which are displayed in the EPG" (See column 11 line 66 – column 13 line 16). The "one or more channels/programs" relate to "pre-determined criteria" that was downloaded along with the schedule information (See column 22 line 59 – column 23 line 9 and column 28 lines 46-56). Furthermore, selected "channels/programs from the EPG" can be "assigned to one or more predefined control buttons on the remote control, thereafter allowing access to the one or more channels/programs by user selection of the appropriate pre-defined control button" (See Figs. 4 and 8; column 12 line 49 – column 13 line 16, column 27 line 17 – column 29 line 21).

Regarding claim 11, Davis discloses an EPG that was generated from "receiving and processing digital data to provide audio, video and/or auxiliary data" (See Figs. 1 and 18-20; column 9 lines 8-20 and column 10 line 30 – column 11 line 38). The EPG provides "channel and/or television program listings/schedules and/or information for display on the display screen" (See Figs. 1, 18-20), where the display screen can be either connected to or forming an integral part of the broadcast data receiver (See Fig. 1; column 8 line 66 – column 9 line 20). The system further has a "remote control means for controlling one or more functions of the broadcast data receiver" (See Fig. 4),

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where the remote control can be used to select "one or more channels and/or programs which are displayed in the EPG" (See column 11 line 66 – column 13 line 16). The "one or more channels/programs" relate to "pre-determined criteria" that was downloaded along with the schedule information (See column 22 line 59 – column 23 line 9 and column 28 lines 46-56). Furthermore, selected "channels/programs from the EPG" can be "assigned to one or more predefined control buttons on the remote control, thereafter allowing access to the one or more channels/programs by user selection of the appropriate pre-defined control button" (See Figs. 4 and 8; column 12 line 49 – column 13 line 16, column 27 line 17 – column 29 line 21).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (US005822123A).

Claim 8 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Furthermore, Davis discloses that the system is able to "inform the user which subject matter categories and/or favorite channels/programs are assigned or mapped to which control buttons on the remote

control" (See Fig. 8; column 30 lines 8-41). However, Davis does not disclose that this information is provided in a pop-up window.

Official Notice is taken that it is well known to use pop-up windows. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the EPG, broadcast receiver, and favorites information disclosed by Davis to be displayed within a pop-up window in order to enhance the user interface thereby making the system more convenient for the user.

Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (US005822123A) in view of Keenan (EP057956A2).

Regarding claim 12, Davis discloses an "method of assigning one or more channels and/or programs relating to pre-determined criteria from an EPG to one or more pre-defined control buttons on a remote control unit of a television system (See Figs. 1, 4, and 8). The system has a "display screen" (See Fig. 1, TV 27; column 10 line 51 – column 11 line 16) and a "broadcast data receiver for receiving and processing digital data to provide audio, video and/or auxiliary data", which is used to generate an electronic program guide (EPG) (See Figs. 1 and 18-20; column 9 lines 8-20 and column 10 line 30 – column 11 line 38). The EPG provides "channel and/or television program listings/schedules and/or information for display on the display screen" (See Figs. 18-20). The system's "remote control controls one or more functions of the television system" (See Fig. 4). The remote control can be used to select "one or more channels and/or programs which are displayed in the EPG" (See column 11 line 66 – column 13

line 16). The “one or more channels/programs” relate to “pre-determined criteria” that was downloaded along with the schedule information (See column 22 line 59 – column 23 line 9 and column 28 lines 46-56). Furthermore, selected “channels/programs from the EPG” can be “assigned to one or more predefined control buttons on the remote control, thereafter allowing access to the one or more channels/programs by user selection of the appropriate pre-defined control button” (See Figs. 4 and 8; column 12 line 49 – column 13 line 16, column 27 line 17 – column 29 line 21). However, Davis does not disclose the user depressing user-defined control button for a predetermined amount of time to assign channels and/or programs.

Keenan discloses a system that provides a favorite channel selection function for a television system. Keenan discloses that the user can assign favorite channels by depressing a button for a predetermined amount of time (See column 5 line 30 – column 6 line 15). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the EPG, broadcast receiver, and remote control disclosed by Davis to allow users to assign favorite channels and/or programs by depressing a user-defined control button for a predetermined amount of time, as taught by Keenan, in order to make the system more convenient to the user by not requiring the user to access a menu to assign favorite channels and/or programs.

Regarding claim 13, “once the selected channels and/or programs have been assigned to a remote control button, the user depresses the control button to view the channels and/or programs relating to the pre-determined criteria” (See Davis column 28 line 57 – column 29 line 21 and column 31 lines 37-51).

Regarding claim 14, "when the channel and/or program is selected and assigned to a button of pre-determined criteria, a confirmation message appears on the display screen to inform the user that the channel and/or program has been assigned to the depressed control button" (See Davis column 30 lines 9-41), wherein the screen can either change colors or show different icons.

Regarding claim 15, when the viewers preference list is activated the EPG identifies only the user selected channels and/or programs which have been assigned to one or more pre-defined buttons on the remote control when the EPG is displayed (See Davis column 28 line 57 – column 29 line 21).

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (US005822123A) in view of Keenan (EP057956A2) as applied to claims 12-15 above, and further in view of Saib et al. (US20010005905A1).

Regarding claim 16, Davis in view of Keenan does not disclose replacing previously assigned data with newly selected assignments.

Saib et al. (Saib) discloses a jump loop of favorite station for a user on a television system. Saib discloses whenever the user adds a new channels to the jump loop the oldest channel in the loop is replaced or "replacing previously assigned data with newly selected assignments" (See paragraph 0035). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the EPG, broadcast receiver, and remote control disclosed by Davis in view of Keenan to replace previously assigned data with newly selected assignments, as taught by

Saib, in order to provide a efficient means of managing the memory storing the favorite channels/programs.

Regarding claim 17, Davis in view of Keenan and in further view of Saib does not disclose a message displayed on the display screen to inform the user that an existing channel and/or program has previously been assigned.

Official Notice is taken that it is well known to provide a warning message of previously stored data that is about to be overwritten. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the EPG, broadcast receiver, and remote control disclosed by Davis in view of Keenan and in further view of Saib to provide a warning message to inform the user of previously stored data that is about to be overwritten in order to provide a means of confirming the operations with the user.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (US005822123A) in view of Keenan (EP057956A2) as applied to claims 12-15 above, and further in view of Croy et al. (US006476825B1).

Regarding claim 18, Davis in view of Keenan does not disclose a confirmation message appearing on the remote control to inform the user that the channel and/or program has been assigned.

Croy et al. (Croy) discloses a remote control device and hand-held video viewer. The remote control has a display that is able to display the same screen as shown on the television unit or "confirmation message appearing on the remote control to inform

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the user that the channel and/or program has been assigned" (See Fig. 55; column 21 lines 11-50). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the EPG, broadcast receiver, and remote control disclosed by Davis to include a screen on the remote control and display the same screen as shown on the television unit, as taught by Croy, in order to expand the capabilities of the system thereby enabling the viewer to view the contents on the television at remote locations on the remote control.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

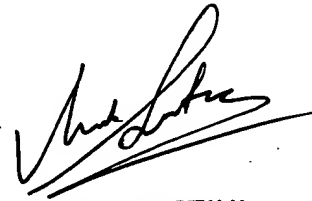
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JGU

September 22, 2005



VIVEK SRIVASTAVA  
PRIMARY EXAMINER